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EXCISE DEPARTMENT.

Notice dated 26th May 1908.

It is hereby notified for the information of the Public that Yellow paint will be used for marking toddy yielding trees licensed to be tapped in the Mysore State during the official year 1908-09.

Notification No. 10754, dated 3rd June 1908.

NOTICE OF SALE OF FOREIGN LIQUOR LICENSES FROM 1908 to 1911.

Notice is hereby given that the privilege of selling Foreign Liquor under the licenses mentioned in the subjoined schedule during the three years beginning 1st July 1908 and ending 30th June 1911, will be put up to public auction by Deputy Commissioners or Revenue Assistant Commissioners or District Officers of the Excise Department or other officers specially authorised by the Deputy Commissioners for the purpose on the dates and at the District Headquarters mentioned in the schedule, subject to the conditions hereinafter set forth. If the sales are not completed on the dates fixed, they will be continued on the next following days, close holidays excepted.

2. A deposit of Rs. 20 must be made by each bidder previous to bidding and will be received at any time within three days previous to the date of sale.

3. The shops will be put up to auction at an upset price of Rs. 150 per annum.

4. Every shop should, as a rule, be sold independently.

5. No person will be allowed to bid for another unless he holds a Power-of-Attorney from the latter.

6. No shops will be knocked down in the name of two or more persons unless they represent a duly recognised Company or firm by means of a Power-of-Attorney. The selling officer shall refuse to register as a purchaser any one in whose name the bidding has not proceeded.

7. The officer conducting the sale may, at his discretion, refuse to accept the bid of any person on the ground that it is too low or that he has been convicted by a Criminal Court or has previously been guilty of such a breach of the conditions of a license or of a contract under the Excise Regulation or Opium Act, as to render him undesirable as a holder of a license or on the ground that he is insolvent or to prevent arrangements to the detriment of Government interests or for any other valid reason.

8. The shops will be knocked down to the highest bidder, but the sale will be subject to formal confirmation by the Deputy Commissioner, who shall be at liberty to accept or reject any bid at his discretion. Such formal confirmation will be tantamount to an acceptance of the bid unless revised by the Government for special reasons and will be necessary whether the sale be held by the Deputy Commissioner himself or by any officer appointed by him.

9. In cases of dispute at the time of auction the selling officer's decision shall be final; and if for any reason the highest bid is rejected the next highest shall be taken or the shop re-sold at his discretion.

10. Tenders after auction shall not generally be accepted. Shops remaining unsold at the first auction shall ordinarily be disposed of by re-auction later on. But the Deputy Commissioner has full discretion on this point.

11. As soon as possible after the auction is completed, the deposits made by the unsuccessful bidders will be returned to them. As the auction proceeds, each person whose bid is accepted shall at once, if so required by the selling officer, or otherwise at the close of the day's sale, make a further deposit of two months' rent (in addition to the deposit made under condition 2) for each shop unless the initial deposit equals or exceeds six months' rent. Should he fail to do so, the deposit made by him under condition 2 will be forfeited and the shops will be put up again to auction on the above conditions or otherwise disposed of as the selling officer may determine and the defaulter will be debarred from bidding again for the same or for any other shop.

12. Persons to whom shops have been knocked down and who have made deposits as provided in conditions 2 and 11 shall leave their address with the selling officer, in order that the confirmation of the sale may be communicated to that address by a notice and they shall also *deposit such further sum as with the former deposits will make up six months' rent. Such deposit should be paid into the Taluk Treasury within seven days from the date of communication of the notice of the Deputy Commissioner's acceptance of the bid by its presentation to themselves or to any adult male member of their family at the place of the said address, or by its despatch duly registered by post. They shall then *without unnecessary delay* execute the necessary engagements and take out licenses on the conditions hereinafter set forth. In the case of the purchaser's death after signing the agreement, it will be binding on his heirs and

* Deposits may be in cash or other approved security.

assigns. Should the initial deposit exceed the sum required to be deposited under this condition, the excess will be refunded unless the purchaser is required to make a deposit (twice that sum) under condition 13 *infra*.

13. If on enquiry subsequent to sale the purchaser shall be found to be of doubtful solvency or a foreigner having no sufficient property in the Mysore State, he may be required either to deposit twice the sum prescribed in condition 12 *supra* or to get a surety or sureties, residents of and possessing sufficient property in the Mysore State to execute a security bond for the due payment of all moneys that may become due by him under the terms of the contract. The bond shall be stamped (Article 32 of Schedule I of the Mysore Stamp Regulation II of 1900) and also registered at the expense of the purchaser if the amount secured exceeds Rs. 1,000.

14. As soon as the sales are over, the sale conducting officer shall forward a list of the successful bidders to the Amildar of the taluk concerned who shall enquire into the solvency of and record the amount of deposit or surety required from each purchaser. He should submit the list so prepared to the selling officer within five days of its receipt and the latter should submit the same with his remarks to the Deputy Commissioner for confirmation without delay.

15. On the failure of any person to make deposit under condition 12 or to comply with the requisition under condition 13 *supra* or to execute engagements and take out licenses as aforesaid, the deposits already made shall be forfeited and the shop be re-sold or otherwise disposed of at the discretion of the Deputy Commissioner.

16. Re-sales effected under condition 15 will be at the risk of the defaulting bidder, who will forfeit all gain, and, in the event of loss, will be required to make good the deficiency between the total amount payable for the whole period under the terms of the original sale and the total amount payable by the successful bidder at the re-sale. In the latter case the forfeited deposits will be deducted from the loss arising from the re-sale, and the remainder, if any, will be recoverable from the defaulter in the same manner as if it were an arrear of land revenue. Should, however, the forfeited deposits be greater than the loss by re-sale, the whole of such deposits will be credited to Government. The defaulting bidder will be similarly liable if the privilege is disposed of otherwise than by re-sale and such disposal results in loss to Government as compared with the original sale.

17. The purchaser of the privilege is liable to the penalties prescribed for breaches of the conditions set forth below, though a formal license may not have been issued to him.

18. The deposit referred to in condition 12 or condition 13, as the case may be, will be taken as security for the due performance of the conditions of the license. If the Deputy Commissioner and the licensee so agreed, it may be credited towards the last instalment of the khists payable by the latter.

19. The licenses issued under the above clauses will be subject to the following conditions :—

(1) The limits within which sales under any license may be carried on will be specified by the Deputy Commissioner at the time of the grant of the license. The sale or possession (except subject to the rules applicable to unlicensed persons) of liquor outside those limits is prohibited.

(2) Sales must be conducted in a suitable building.

(3) Except in the case when two or more foreign liquor licenses are held by one person, sales under each license issued must be in different premises (chemists and druggists and medical practitioners excepted). The possession upon any licensed premises of any liquor except that to which the license relates, or of any essence or substance used or capable of being used for colouring or flavouring liquor is prohibited.

(4) A sign-board must be affixed to the front of each shop showing the nature and number of the license under which sales are conducted there and the name of the licensee. These particulars must be legibly painted in the local vernacular and in English. The license must be hung up in a conspicuous place within.

(5) All liquor sold or kept for sale shall be of good quality and unadulterated. Nothing shall be added to them either to increase their intoxicating power or for any other purpose. All officers authorized to inspect shops are authorized to detain any liquor found unfit for consumption or use, or which they may believe to have been tampered with, and all Deputy Commissioners and District Excise Officers are empowered to destroy such as are found unfit for consumption or use.

(6) The sale or transport of liquor, by persons below the age of 14 or by persons suffering from leprosy or any contagious disease and the employment of such persons in shops for the sale of the same are prohibited. The Deputy Commissioner may, when necessary, call for the names of all persons employed or proposed to be employed in shops and forbid the sale of liquor, by any of whom he may disapprove.

(7) No shop shall be opened before sunrise or kept open after 9 P.M.* except under special authority.

* 9-30 P.M. in the Bangalore City.

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(8) No drunkenness, disorder or gaming shall be permitted in shops. Entertainments of any kind in shops are also strictly forbidden.

(9) No robbers are thieves or disorderly or riotous persons shall be harboured in shops. Intimation of their resort thereto shall be given to the nearest Magistrate or Police officer.

(10) No person shall be harboured in any shop during the night.

(11) Shops situated on or adjacent to the line of march must be closed, if the Deputy Commissioner so orders, while a regiment or detachment of European or Native Soldiers is passing or is encamped in the vicinity or in times of religious excitement or disturbance. Every shop-keeper shall on his own motion close his shop when there is riot or disturbance in the neighbourhood.

(12) The Deputy Commissioners may order the transfer of shops from one locality to another provided the distance is not more than two hundred yards.

(13) The right is reserved to the Deputy Commissioner to grant "Occasional Licenses" for the sale of liquor, on the occurrence of fairs, festivals, etc., in places in the vicinity of which there are no regularly licensed shops. Such licenses shall ordinarily be granted to the shop-keepers who usually supply the locality or to the representatives of the renter. Their period shall not exceed ten days, and the fee to be paid therefor shall be fixed at the Deputy Commissioner's discretion.

(14) No liquor, shall be sold or given—

(*a*) Except at shops specially approved by the General Officer Commanding the division (or Independent Brigade) or the officer commanding the cantonment or camp, and then only in respect to such liquors as shall be approved by the same authority in consultation with the local Excise authorities and specified in the license—

(1) to sailors, soldiers and the members of their families, or

(2) to any other person living in barracks;

(*b*) whilst on duty, to any—

(1) camp-follower, member of the Police force, or Officer of the Excise Department;

(2) servant of a Railway Company; or

(*c*) in any circumstances, to any—

(1) European vagrant under escort of the Police

(2) child under fourteen years of age;

(3) insane person; or

(4) person known or believed to be intoxicated.

(15) No privilege of vend shall be sold, transferred or sub-rented without the Excise Commissioner's previous permission. Nor if the Deputy Commissioner so orders, shall any agent be appointed for the management of any such privilege without his previous approval.

(16) No holder of any license will be allowed, without special permission from the Excise Commissioner, to possess or continue to possess any interest direct or indirect in any abkari or opium license in any districts of the Madras or Bombay Presidency under the British Government, or any other Foreign State or Territory or Civil and Military Station, Bangalore.

(17) Shops must be kept open unless their temporary or permanent closure is authorized by the Deputy Commissioner and such supply of liquor as the Deputy Commissioner may consider sufficient to meet local requirements must be maintained therein. Shops not opened by dates to be fixed by the Deputy Commissioner shall be liable to be re-sold at the risk of the licensees.

(18) No liquor shall be sold either below or above such minimum or maximum prices as may be fixed for sale of the same in accordance with the law for the time being in force.

(19) No liquor in excess of the quantity prescribed for possession without a license shall be permitted to be removed by any person at any one time from any licensed premises without a valid permit.

(20) True accounts of transactions shall be maintained from day to day in ink in the prescribed form. The accounts and permits shall be in printed books. The account books may be obtained from local Excise Officers on payment of cost price. The permit books can be obtained at all Range offices on production of receipts for the payment of the cost price into a Government Treasury. Permits for liquor, received and the counterfoils of permits issued must be carefully filed. The signing of blank permits for subsequent issue is prohibited. The accounts and counterfoils of permits shall be preserved for one year after the period covered by the license and shall be produced when called for by an officer not below the rank of Assistant Inspector of the Excise Department.

(21) Such returns and information as may be required by the Deputy Commissioner from time to time shall be furnished by holders of licenses.

(22) An inspection note-book, with the pages numbered consecutively, for inspecting officers to enter their remarks in, shall be maintained, and be handed over to the Inspector of the Range or any officer authorized by him to receive it on a receipt being given therefor.

(23) The amount for which the privilege has been purchased shall be payable in twelve equal quarterly instalments into a Government Treasury on or before the 10th of each quarter beginning with July.

(24) No remission or abatement of the rent shall be claimable on any account whatever.

(25) Any sum due by a licensee may be collected under the Law for the recovery of Land Revenue or adjusted from the deposit, if any, made by him at the commencement of the lease. He shall be bound to replace any sums adjusted from his deposit within fifteen days of receipt of notice from the Deputy Commissioner.

(26) Power is further reserved to Deputy Commissioner to suspend licenses in case of failure of payment of kists.

(27) In the event of suspension of a license for failure to pay arrears, the privilege of sale will be re-sold with effect from the date of issue of license to the new purchaser or otherwise disposed of at the Deputy Commissioner's discretion. All losses on account of suspension and re-sale or other disposal of the privilege shall be borne by the defaulting licensee, but he shall have no right to gain, if any, which accrues. The whole of the deposit, if any, made at the commencement of the lease will be liable to forfeiture. The officer who has power to suspend the license may, however, at his discretion allow sales to continue pending re-sale or other disposal of the privilege.

(28) Interest on all moneys due shall be payable at the rate of 6 per cent per annum.

(29) Infraction of any of the conditions of the license either by a licensee or by any person in his employment will entail on the licensee—

Either (*a*) fine up to Rs. 50,

or (*b*) forfeiture of deposits, if any, and cancellation of license and re-sale or other disposal of the privilege at the risk of the licensee.

The licensee or his agent may also be prosecuted for the specific offence committed.

The rent for the whole lease shall become due at once, when a lease is cancelled under this condition.

Note.—For continuing breaches of a license, continuing fines may be imposed.

(30) Any license may be forfeited and the privilege be re-sold or otherwise disposed of at the risk of the licensee if the licensee be convicted before a Magistrate of any offence against the Excise Regulation or Opium Act, or of any offence under the Indian Penal Code which in the Deputy Commissioner's opinion renders him unfit to hold it. The purchaser of a privilege is liable to the penalties prescribed in this condition if he is convicted of any such offence as above contemplated after the confirmation of the sale of the privilege to him though before issue of a formal license. Forfeiture of any license under this clause shall involve forfeiture of the balance of all deposits after payment to Government of all sums due under the lease.

(31) Licensees are bound to report to the Deputy Commissioner all instances which come to their knowledge of persons employed by them in the manufacture, carriage or sale of liquor, opium and intoxicating drugs, committing breaches of the Excise laws or of engagements entered into by them and to comply with the Deputy Commissioner's orders respecting the continued employment of such persons. No persons who have been convicted under the Indian Penal Code shall be employed in the carriage or sale of liquor, opium and intoxicating drugs without the Deputy Commissioner's previous permission.

(32) Pecuniary dealings by licensees of any kind whatever with officials of the Excise Department are absolutely prohibited.

(33) With the sanction of the Excise Commissioner, any license shall be revocable by the Deputy Commissioner at his discretion on giving the licensee fifteen days' notice of such revocation, in which case proportionate part of the fee paid will be refunded.

(34) All licensees shall be bound by any additional general rules that may be prescribed under the Excise laws and, if so required by the Deputy Commissioner or any officer authorised by him, to deliver up their licenses for amendment or for the issue of fresh ones.

(35) The licensee shall be bound to take over any Foreign Liquor which may remain as stock in hand belonging to the outgoing licensees on 1st July 1908 in the shops paying them such compensation for the same as may be fixed by the Excise Commissioner.

(36) The privilege extends only to the sale of Foreign Liquors of the strengths and Brands mentioned in the license. No Foreign Spirits below 15 U. P. shall be sold under the license.

(37) All Foreign Liquors, intended for sale under the license should be imported only after obtaining an import permit from the Deputy Commissioner for the purpose. Any person otherwise importing Foreign Liquors, commits an offence under Section VI (6) of the Mysore Excise Regulation and is punishable under Section 55.

(38) The licensee is prohibited from rectifying spirits by purifying, coloring or flavoring or mixing any material therewith.

(39) All receptacles containing beer manufactured in the Bangalore Brewery shall be labelled or branded with the words 'Beer manufactured in Bangalore."

(40) All liquor imported in bulk and bottled in British India, received or kept for sale must bear a printed label showing clearly the country of manufacture, the name of the bottler as entered in his license and the place of bottling.

(41) The privilege under the Retail "Off" licenses of Foreign Liquor extends to the sale of such liquor only in sealed receptacles in quantities not less than a pint of each kind at a time and not more than two gallons at a time. All liquors should be kept in bottles which must be sealed, wired or secured by capsules or the cork and top of the neck covered by metallic foil. Liquor sold under this license should not be consumed on the premises. No draught Beer or Porter of any kind shall be sold under these licenses.

(42) The privilege under licenses for Refreshment Rooms in which the sale of liquor is combined which the supply of meals or eatables prepared and served in European manner, extends to the sale of Foreign Liquor only in the Refreshment Rooms maintained by the licensee to persons supplied with meals or eatables prepared and served in European manner for consumption on the premises. It will at all times be optional with the Deputy Commissioner to withdraw licenses of this description, if it should appear that the sale of liquor to persons who have not partaken of meals in the Refreshment Room is permitted to such an extent or so habitually that the Refershment Room may fairly be classed as a tavern. Sale of liquor for removal from the premises will not be allowed under these licenses. The premises to be used for the sale of liquor under these licenses must be at least of the monthly rentable value of Rs. 25. No draught Beer or Porter of any kind shall be sold under these licenses.

Name of Town in which shop is to be located	No and locality	Kind of license.	Date of sale
		Bangalore District.	
Bangalore City ...	1. * ...	Retail "Off" license ...	17th June 1908.
	2. * ...	Do ...	
		Kolar District.	
Kolar Gold Fields ...	1. Robertsonpett ...	Refreshment Room license.	
	2. Steven's Camp ...	Do ...	15th do
Bowringpet ...	3. Bowringpet ...	Do ...	
	4. Do ...	Retail "Off" license ...	
		Mysore District.	
Mysore City ...	1. * ...	Retail "Off" license ...	19th do
	2. * ...	Do ...	
	3. * ...	Do ...	
	4. * ...	Do ...	
		Shimoga District.	
Shimoga Town ...	1. * ...	Retail "off" license ...	20th do
		Hassan District.	
Hassan town ...	1. * ...	Retail "Off" license ...	21st do
Saklespur ...	2. * ...	Do ...	
		Kadur District.	
Chikmagalur Town ...	1. * ...	Retail "Off" license ...	16th do

* *N. B.*—Locality to be fixed by the Deputy Commissioner and to be announced at the time of sale.

H. H. SPARKES,
Excise Commissioner in Mysore.

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